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REVIEWS AND CRITICISMS

or in a prison where research is especially carried on. Then finally they should be acquainted with forensic psychiatry.

The work that may be done by well trained men is hardly delimited by Kinberg, but he makes minimum demands and these are that there shall be adequate psychopathic study of (a) all those who have committed crimes which can be regarded of a pathological nature; (this classification is interpreted in the light of the Swedish code); (b) recidivists; (c) all those offenders who are under 18 and over 60; (d) all those who show social incapacity such as vagrancy; (e) all cases in which the offense seems to be the expression of an altered personality of the accused, and (f) in every instance where there seems to be some exceptional or pathologic motivation for the offense.

Herein lies the road, says Kinberg, to the establishment of a rational and scientific method of dealing with criminals. You must first find out what they are before you can successfully cope with them—such seems to be the keynote of his work. The studies he suggests will give us a basis, he thinks, for successful reformation of the criminal law. His work, even with its constant local references, is acceptable as a careful study by workers elsewhere.

Chicago.

WILLIAM HEALY.

WILLENSFREIHEIT UND VERANTWORTLICHKEIT. Von Dr. Alexander Graf zu Dohna, a. o. Professor des Strafrechts in Königsberg-Bonn. Carl Winter's Universitätsbuchhandlung. Heidelberg, 1907. Pp. 26.

In this lecture before the *Kölner Vereinigung für rechts und statts-wissenschaftliche Fortbildung*, the writer offers a lawyer's view of the relations of "freedom and responsibility." Distinguishing between determinism and materialism, by indicating that determinism says that all things are casually explicable while materialism insists that all things are mechanically originated, so that materialism is logically a special case of a wider determinism, the writer points out that the determination of human action lies in motivation, and that the efficacy of motives varies through all degrees of intensity. They form the basis of willing and are the stuff and root of human personality from which all concrete willing springs.

Such personality is not a creation *ex nihilo*, but is the joint product of heredity and environment—it is the persistence and enduring motives which constitute a character. These do not, of course, exhaust its individuality, with its unaccountable uniqueness. But it is enough for practical purposes, and they negate "freedom" insofar as freedom attributes to the human will the aboriginal spontaneity of the uncaused.

Praise and blame and responsibility have nothing to do with freedom. Morally, at least, determinism is higher. We should hardly find the same loftiness of spirit to admire in Socrates if we believed that he could have behaved pettily and like a coward. Conduct springs from character, and an undetermined is only an indeterminate character. Society rests only on the determinate, and responsibility goes with inward deter-

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mination. Luther's "Here I stand, God help me, I cannot do otherwise," expresses what is typical of all conduct.

There is a tradition which identifies this with the destruction of all responsibility. Men being the effects of time and place, their sins and virtues are only the sins and virtues of time and place, and for such, reward or punishment become meaningless and irrelevant. This position involves, however, a confusion of the determinism of *explanation* with the determinism of *valuation*. But it is clear that the origins of a thing are not identical with its goodness or turpitude; nor the standards of conduct with the causes of conduct. Now social standards are applied to personality, and an individual is responsible for his actions insofar as these flow from his integrated personality. "Personality must be held responsible for those actions only which it has the power to effectuate" (p. 24). This is all that is meant by the "free will" of the law books. All willing which lies outside of this would be abnormal. Men are responsible, normally, only in so far as they are able to do what they *should*, and "to be able" is to be free.

Thus determinism and indeterminism are both harmonized and the law vindicated. But the harmony and vindication are the results of a historic sophism concerning the radical difference between causation and valuation. In terms of evolution valuations are themselves both effects and causes, and do not belong to a different universe of discourse. They can be so understood only as a methodological artifice and not ultimately. Ultimately your value to me is your intrinsic and instrumental effect on my life. That is entirely the summation of your history. Your value will vary with your history, and the two cannot be divorced. As the difference between the two is the crux of this monograph, the monograph fails as a philosophic defense of certain legal conventions.

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H. M. KALLEN.

PRISON LABOR IN THE PARTY PLATFORM OF 1911-1912. Prison Labor Leaflets Number Seven. National Committee on Prison Labor, New York. Pp. 26. 10 cents.

The direction of public opinion on the question of convict labor is well set forth in Prison Labor Leaflet Number Seven, of the National Committee on Prison Labor. This pamphlet is composed of excerpts from the party platforms in state and nation during the campaigns of 1911 and 1912. Judged by this evidence, there seems to be a fairly uniform demand for two reforms, namely, the abolition of the contract system of employing convicts, and the payment of the earnings of the prisoner to his dependants, or in some cases, to the prisoner himself at the expiration of his term. In place of the contract system some form of state use is recommended, as the building of public roads, or the production of such articles as are used by the state, county or municipal institutions.

These reforms are not the proposals of any one party, as they have been adopted in one or more of the states by all four of the leading parties—Republican, Democratic, Progressive and Socialist—although they